

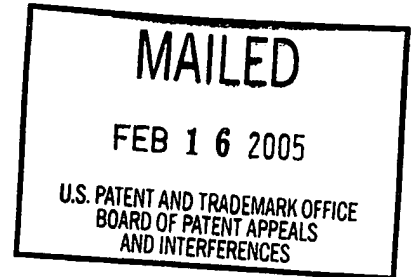
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte FEARGHUS O'FOGHLUDHA

Application No. 09/614,490



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on November 22, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The section "References of Record" is missing from the Examiner's Answer dated June 1, 2004. See Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 2, May 2004). Appropriate correction is required.

Additionally, Supplemental Information Disclosure Statement (IDS) received August 2, 2004 needs to be considered by the Primary Examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A written communication notifying appellants of the Primary Examiner's decision is required.

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Accordingly, it is

ORDERED that the instant application be electronically returned to the examiner:

- (1) to submit a new Examiner's Answer which includes the missing section and title as required by MPEP § 1208;
- (2) for consideration of the Supplemental Information Disclosure Statement, with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98;
- (3) written notification to appellants of said consideration; and
- (4) for such action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read "Dale M. Shaw", is written over a horizontal line.

Dale M. Shaw
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